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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,509	12/10/2003	Keiichi Aoyama	03500.017777	4629

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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WATT, CHRIS A

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/731,509	Applicant(s) AOYAMA ET AL.	
	Examiner Chris Watt	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/9/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian ("Killian" US Patent No. 6,163,316) in view of Gordon et al. ("Gordon" US Patent No. 6,208,335).

Regarding independent claim 1, Killian teaches a digital (i.e. col. 3 lines 12-14 of Killian : " Receiver 10 includes a JAVA-based platform 12 that operates on one or more processors 8, such as a digital signal processor (DSP) chip" ) television receiver (i.e. col. 3 lines 7-9 of Killian : "a JAVA-enabled television system 2 that includes a JAVA-enabled television receiver 10 that is associated with a television or other suitable display device" ), comprising a television picture signal (i.e. col. 4 lines 58-60 of Killian : " In one embodiment, multiple tuner/decoders 24 are used to provide images suitable for a television picture display" ), receiving means for receiving a program (i.e. col. 8 lines 36-40 of Killian : "JAVA-based electronic program guide (EPG) 70, which may run on platform 12 and processor 8 as a JAVA applet 64 downloaded from the Internet over link 14 or as a JAVA application 62 installed locally on receiver 10 or an associated processing platform" ), installing means for selectively (i.e. col. 3 lines 28-33 of Killian : "3, platform 12 supports an electronic programming guide JAVA applet or application

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that allows viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information received using link 14" ) installing the program received by the receiving means (i.e. col. 6 lines 36-42 of Killian : " In one embodiment, APIs 60 of toolkit 58 allow platform 12 to support JAVA applets 64 downloaded from the Internet over link 14, JAVA applications 62 installed locally on receiver 10 or any processing platform associated with receiver 10, or any other appropriate JAVA program that uses the television-related functionalities of APIs 60" ). Killian does not teach receiving means for receiving a program for changing a GUI or changing means for executing the installed program to change the GUI.

Gordon teaches receiving means for receiving a program for changing a GUI (i.e. col. 5 lines 1-4 of Gordon : " Additionally, the video session manager contains a modem for sending control information via the forward command channel and receiving control information via the back channel" ) and changing means for executing the installed program (i.e. col. 18 line 12 of Gordon : " executing said applet" ) to change the GUI (i.e. col. 19 lines 26-30 of Gordon : " overlaying a certain portion of said background video with said graphics; changing a state of the graphics from a first state to a second state to emphasize or de-emphasize said certain portion of said background video" ). It would have been obvious to an artisan at the time of the invention to combine the means of execution of the received program of Killian with the program for changing a GUI of Gordon " to produce graphical object information and video information for said video signal generator; wherein, each of a plurality of said applets provides a respective portion of on-screen program guide information" (col. 18 lines 12-16 of Gordon).

Regarding dependent claim 2, see the analysis of claim 1 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 1, wherein the installing means determines whether to install the program received by the receiving means based on an instruction by a user (i.e. col. 13 lines 64-66 of Gordon : " The navigation control instructions 504 facilitate overlay activation and transition control" ).

Regarding dependent claim 3, see the analysis of claim 1 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 1, further comprising display means for displaying a menu screen (i.e. col. 16 lines 34-37 of Gordon : " At step 724, the routine processes the region selection in the same manner as described above for processing and displaying a new menu that is identified by the region selected" ).

Regarding dependent claim 4, see the analysis of claim 1 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 1, further comprising storage means for storing user's preference information (i.e. col. 9 lines 10-15 of Killian : " Profile module 74 receives preference information from one or more viewers associated with receiver 10, such as multiple viewers within a family that owns JAVA-enabled television system 2, and constructs, builds, or otherwise generates corresponding viewer profiles 84 for storage in profile database 80" ), wherein keyword information relating to the program (i.e. col. 16 lines 16-19 of Killian : " As discussed more fully above, options 86 may include genre options 86, actor options 86, sports team options 86, keyword options 86, or any other suitable options 86" ) is received (i.e.

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col. 2 lines 17-18 of Killian : " Viewer input information is received that does not specify broadcast information concerning the program" ), and when the keyword information coincides with the user's preference information stored in the storage means (i.e. col. 9 lines 43-57 of Killian : " Preference templates 82 stored in profile database 80 may include, without limitation ... a keyword template 82 that lists keywords that may describe the program in some manner, for example, non-stop, heart-warming, exciting, romantic, or other suitable keywords; and any other suitable preference template 82 suitable for constructing viewer profile 84 according to preference information associated with the corresponding viewer" ), the program received by the receiving means is installed (i.e. col. 8 lines 36-40 of Killian : "JAVA-based electronic program guide (EPG) 70, which may run on platform 12 and processor 8 as a JAVA applet 64 downloaded from the Internet over link 14 or as a JAVA application 62 installed locally on receiver 10 or an associated processing platform" ).

Regarding dependent claim 5, see the analysis of claim 4 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 4, wherein the installing means includes notifying means for notifying a user when the keyword information coincides with the user's preference information (i.e. col. 9 lines 26-29 of Killian : " In one embodiment, profile database 80 also contains one or more preference templates 82 that profile module 74 may access and communicate to a viewer using control module 72 to receive preference information from the viewer" ), and executing means for determining to execute installation of the program (i.e. col. 9 lines 36-38 of Killian : " The present invention contemplates viewers interacting with EPG 70

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in any suitable manner to select preference templates 82" ) based on an instruction by the user (i.e. col. 17 lines 48-51 of Killian : " The present invention contemplates the recording information being an instruction to EPG API 60, control API 60, or another component of platform 12 to initiate recording of the program" ).

Regarding dependent claim 6, see the analysis of claim 1 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 1, wherein the changing of the GUI is performed by changing at least one selected from a layout of a menu screen (i.e. col. 9 lines 29-34 of Killian : " For example, EPG 70 may communicate one or more preference templates 82 to a viewer in response to the viewer pointing to, clicking on, or otherwise selecting a profile set-up option that EPG 70 displays on television 40 as part of a windowing menu associated with EPG 70" ), a button assignment (i.e. col. 11 lines 13-15 of Killian : " Button 118 on preferred schedule 118 allows the viewer to hyperlink or establish a connection to a preference template menu or a display of viewer profile 84" ) for a remote control (i.e. col. 4 lines 47-50 of Killian : " Input device 42 includes a remote control touch screen, mouse, keypad, or other suitable pointer to communicate infrared, electronic, or other input signals to input receiver 44 of receiver 10" ), and a decoration of the menu screen (i.e. col. 9 lines 29-34 of Killian : " For example, EPG 70 may communicate one or more preference templates 82 to a viewer in response to the viewer pointing to, clicking on, or otherwise selecting a profile set-up option that EPG 70 displays on television 40 as part of a windowing menu associated with EPG 70" ).

Regarding dependent claim 7, see the analysis of claim 4 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 4, wherein the keyword information is characteristics information (i.e. col. 14 lines 61-65 of Killian : " The parent could also limit the total daily viewing of the child with respect to programs with program listing information 6 satisfying selected characteristics entered using profile module 74 or otherwise" ) of a remote control (i.e. col. 4 lines 47-50 of Killian : " Input device 42 includes a remote control touch screen, mouse, keypad, or other suitable pointer to communicate infrared, electronic, or other input signals to input receiver 44 of receiver 10" ), the preference information is tendency information for a user's operation, and the program to be installed is selected based on comparison between the characteristics information and the tendency information (i.e. col. 3 lines 45-50 of Killian : " Database server 46 coupled to the Internet accesses program listing database 48, which contains television programming information that is periodically updated according to the operation of an organization associated in some manner with server 46 and database 48" ).

Regarding dependent claim 8, see the analysis of claim 7 above. Gordon, in combination with Killian, further teaches a digital television receiver according to claim 7, wherein the tendency information includes at least one of a history of an operation (i.e. col. 11 lines 50-53 of Killian : " In operation of suggest module 76, control module 72 communicates the viewer identity for the viewer and program listing information 6 for some or all available programs to suggest module 76" ) for executing a given function (i.e. col. 14 lines 42-45 of Killian : " EPG 70 also allows a viewer to control viewing



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habits and opportunities for other viewers, such as children in a household, due to the program-based nature of EPG 70 and the functionality that EPG 70 provides" ), a type of misoperation caused before execution of the given function (i.e. col. 9 lines 19-22 of Killian : " Furthermore, one or more viewer profiles 84 may be added, deleted, modified, inactivated, reactivated, or otherwise manipulated at any time according to operation of EPG 70" ), a hand holding the remote control, and information as to whether the remote control is laid in use or held in use (i.e. col. 4 lines 47-50 of Killian : " Input device 42 includes a remote control touch screen, mouse, keypad, or other suitable pointer to communicate infrared, electronic, or other input signals to input receiver 44 of receiver 10" ).

Regarding dependent claim 9, see the analysis of claim 1 above. Gordon, in combination with Killian, teaches a digital television receiver according to claim 1, wherein characteristics information (i.e. col. 14 lines 61-65 of Killian : " The parent could also limit the total daily viewing of the child with respect to programs with program listing information 6 satisfying selected characteristics entered using profile module 74 or otherwise" ) of a remote control is received (i.e. col. 3 of Killian : " Input device 42 includes a remote control touch screen, mouse, keypad, or other suitable pointer to communicate infrared, electronic, or other input signals to input receiver 44 of receiver 10" ), and the program to be installed is selected based on the received characteristics information of the remote control (i.e. col. 3 lines 28-33 of Killian : "3, platform 12 supports an electronic programming guide JAVA applet or application that allows

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viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information received using link 14" ).

Regarding dependent claim 10, Killian teaches a GUI changing method for a digital (i.e. col. 3 lines 12-14 of Killian : " Receiver 10 includes a JAVA-based platform 12 that operates on one or more processors 8, such as a digital signal processor (DSP) chip" ) television receiver (i.e. col. 3 lines 7-9 of Killian : "a JAVA-enabled television system 2 that includes a JAVA-enabled television receiver 10 that is associated with a television or other suitable display device" ), comprising receiving a television signal (i.e. col. 4 lines 58-60 of Killian : " In one embodiment, multiple tuner/decoders 24 are used to provide images suitable for a television picture display" ), receiving a program for changing a GUI ( ), selectively (i.e. col. 3 lines 28-33 of Killian : "3, platform 12 supports an electronic programming guide JAVA applet or application that allows viewers to more intelligently select, schedule, and record viewing opportunities according to viewer profiles and information received using link 14" ) installing the received program (i.e. col. 6 lines 36-42 of Killian : " In one embodiment, APIs 60 of toolkit 58 allow platform 12 to support JAVA applets 64 downloaded from the Internet over link 14, JAVA applications 62 installed locally on receiver 10 or any processing platform associated with receiver 10, or any other appropriate JAVA program that uses the television-related functionalities of APIs 60" ). Killian does not teach receiving a program for changing a GUI or changing the GUI by executing the installed program.

Gordon teaches receiving means for receiving a program for changing a GUI (i.e. col. 5 lines 1-4 of Gordon : " Additionally, the video session manager contains a modem

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for sending control information via the forward command channel and receiving control information via the back channel" ) and changing means for executing the installed program (i.e. col. 18 line 12 of Gordon : " executing said applet" ) to change the GUI (i.e. col. 19 lines 26-30 of Gordon : " overlaying a certain portion of said background video with said graphics; changing a state of the graphics from a first state to a second state to emphasize or de-emphasize said certain portion of said background video" ). It would have been obvious to an artisan at the time of the invention to combine the means of execution of the received program of Killian with the program for changing a GUI of Gordon " to produce graphical object information and video information for said video signal generator; wherein, each of a plurality of said applets provides a respective portion of on-screen program guide information" (col. 18 lines 12-16 of Gordon).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Watt whose telephone number is (571) 270-1046. The examiner can normally be reached on Monday-Thursday 6:30-4:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 276-5619. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

\Chris A. Watt\

January 4, 2007

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